



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during May 2017
DISTRIBUTED: June 5, 2017

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

Bruce Dawson, Camden, Maine. Bruce Dawson (“Dawson”), doing business as B C D Excavation & Forestry performs excavation and forestry work. The Town of Camden (“Town”) hired Dawson to complete work at “The Camden Snow Bowl” for which the Town was permitted to alter 7,028 square feet of wet meadow and forested wetlands in association with the expansion of existing ski trails, subject to standard conditions, including properly installing erosion control measures prior to beginning the project and all disturbed soil shall be stabilized immediately upon project completion. During an inspection by Department staff, it was observed that Dawson: failed to install proper erosion and sediment controls; discharged a pollutant, namely soil, into the waters of the state; removed or displaced soil and vegetation adjacent to a stream and freshwater wetland without first obtaining a permit; and constructed a project that disturbs one acre or more without first obtaining a permit thereby violating: the *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C; the *Protection and Improvement of Waters Act*, 38 M.R.S. § 413; the *Stormwater Management Law*, 38 M.R.S. § 420-D; and the *Natural Resources Protection Act*, 38 M.R.S. § 480-C. To resolve these violations, Dawson agreed to pay the *Treasurer, State of Maine* a civil monetary penalty in the amount of six thousand dollars (\$6,000.00).

Water:

Town of Gorham, Gorham, Maine. The Town of Gorham (“Gorham”) is a municipal corporation that is organized and existing under the laws of the State of Maine which operates and maintains a small municipal separate stormwater sewer system (“MS4”) in Gorham, Maine. Gorham is covered under a Maine Pollutant Discharge Elimination System general permit that was issued in 2003 and renewed in 2008 and 2013. During an inspection by Department staff, it was observed that Gorham: failed to include nine stormwater outfalls in their mapping system; failed to conduct dry weather outfall inspections between 2008 and 2015; failed to enforce the Maine Construction General Permit at the Hawkes Farm site and the Allen Acres site of developer Design Dwelling Inc.; allowed a waste oil tank at its public works complex to project outside its containment area; failed to cover a municipal solid waste dumpster at its Narragansett



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School; failed to maintain records of annual stormwater training for employees and failed to record participation and effectiveness in the trainings; and failed to keep its Stormwater Pollution Prevention Plan updated and to complete quarterly visual monitoring and quarterly site inspections. The above represented violations of: Part IV(H)(3)(a)(i) of the 2013 MS4 General Permit; Part IV(H)(3)(a)(iii) of the 2013 MS4 General Permit; Part IV(H)(4) of the 2013 MS4 General Permit; Part IV(H)(6)(a)(i) of the 2013 MS4 General Permit; Part IV(H)(6)(a)(ii) of the 2013 MS4 General Permit; and Part IV(H)(6)(a)(vi) of the 2013 MS4 General Permit. The Town of Gorham has taken remedial actions to realign the waste oil tank at the public works complex, to cover the dumpster at the Narragansett School, conducted 92 dry weather inspections, identified 123 outfalls not previously recorded and provided additional training records. To resolve the violations, Gorham agreed to: pay a civil monetary penalty to the *Treasurer, State of Maine*, in the amount of five thousand one hundred dollars (\$5,100.00); pay to the Presumpscot Regional Land Trust twenty thousand four hundred dollars (\$20,400.00), for the purpose of funding the Hawkes Preserve Erosion Control and Shoreland Restoration Project in Gorham Maine as a Supplemental Environmental Project; begin immediately complying with all MS4 requirements; prior to July 1, 2018 complete all dry weather inspections of the remaining MS4 outfalls that had not been inspected as of June 30, 2016; and conduct and maintain records of quarterly visual monitoring and quarterly site inspections.

Consent Agreements Approved by the Board of Underground Storage Tank Installers and Office of the Attorney General (party followed by location):

James Cole, Berwick, Maine. James Cole is a certified underground oil tank installer in the State of Maine. During multiple site visits in June of 2015, Department staff observed that excavation within 10 feet of underground tanks or piping was being conducted without Mr. Cole being present, that Mr. Cole was the Certified Tank installer overseeing the piping removal and replacement for Cumberland Farms, Inc. when removal and/or replacement occurred without first filing registration materials with the Commissioner 10 business days prior to installation. The above represented violations of 06-481 C.M.R. ch. 1, §§ 4(A)(1)(a and b). To resolve the violations identified, Mr. Cole agreed to: Accept a probationary period on his Underground Storage Tank Installer certificate beginning May 10, 2017 and remaining until such time as he notifies the Department of his installation of a new or replacement underground oil storage facility (tanks and piping) in Maine or underground piping replacement of existing tanks and the Department notifies the Board that he has satisfactorily completed the installation of a new or replacement underground storage facility or tanks in compliance with Department rules and the



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Board then decides to accept his compliance as termination of the probationary period at a regularly scheduled meeting; pay the *Treasure, State of Maine, c/o Maine Ground and Surface Waters Clean-up and Response Fund*, a civil monetary penalty of two thousand seven hundred and fifty dollars (\$2,750.00).